

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

LAMONT DANIELS

(b) County of Residence of First Listed Plaintiff Camden County

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

TAYLOR, TAYLOR & LEONETTI, P.C.
Sentry Office Plaza, Suite 506, 216 Haddon Avenue
Westmont, NJ 08108
(856) 833-1919
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DEFENDANTS

ANTOINETTE IATAROLA, TONI CAPONE, DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE,

County of Residence of First Listed Defendant Philadelphia County

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---|---------------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1346 (b) (1)

Brief description of cause:
Motor Vehicle

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

8-14-08

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/13/2008

TAYLOR, TAYLOR & LEONETTI, P.C.

By: Alan D. Taylor, Esquire

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File No. 16749

Attorney for Plaintiff. Lamont Daniels

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

Plaintiff(s):	:	
LAMONT DANIELS,	:	
	:	Civil Action No.:
	:	
vs.	:	
Defendant(s):	:	COMPLAINT
ANTOINETT IATAROLA,	:	
TONI CAPONE,	:	JURY TRIAL DEMANDED
DEPARTMENT OF THE TREASURY	:	
INTERNAL REVENUE SERVICE,	:	
UNITED STATES OF AMERICA, and	:	
JOHN/JANE DOE(S) (1-20), (Fictitious	:	
individuals, partnerships, corporations	:	
and/or other business entities) Jointly,	:	
and/or Severally and/or in Alternative	:	

COMPLAINT

JURISDICTIONAL STATEMENT

Jurisdiction of this Court is based on Article 3, Section 2, Clause 1 of the United States Constitution and 28 U.S.C. 1346 (b) (1) in that the United States, its Agency(ies), Department(s) and/or its agents, servants and/or workmen are parties to this lawsuit.

COUNT ONE - NEGLIGENCE

1. The Plaintiff, LAMONT DANIELS, is an adult individual residing at 1302 Carl Miller Boulevard, Camden, New Jersey 08104.

2. The Defendant, DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE, is a Federal agency under the Department of the Treasury of the Defendant, UNITED STATES OF AMERICA..

3. The Defendant, ANTOINETT IATAROLA, upon information and belief, is an adult individual residing in Philadelphia, Pennsylvania and at all relevant times in this Complaint, was employed by and/or was acting as a servant, agent and/or employee and/or workman of the Defendant, DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE.

4. On or about January 11, 2007, the Plaintiff, LAMONT DANIELS,, was the operator of a 2001 Plymouth Voyager bearing New Jersey registration plate RKW28C which was traveling on westbound Route 70, Cherry Hill, New Jersey.

5. At the aforesaid time and place, Defendant, ANTOINETT IATAROLA, was the operator of 2006 Chevrolet Monte Carlo bearing Pennsylvania registration plate EML4998 which, upon information and belief, was owned by, Defendant, TONI CAPONE and/or DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE and/or UNITED STATES OF AMERICA and/or was owned individually by Defendant, ANTOINETT IATAROLA and/or Defendant, TONI CAPONE and/or as the agent and or servant and/or employee and/or bailee and/or the like, for the owner(s) of the vehicle she was driving, Defendant, DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE and/or

UNITED STATES OF AMERICA and/or JOHN/JANE DOE(S) (3-20), a fictitious name for a presently unknown and unidentified individuals(s) and/or entity(ies).

6. At the aforesaid time and place, a collision occurred when the Defendant, ANTOINETT IATAROLA, struck the rear of the motor vehicle being operated by the Plaintiff, LAMONT DANIELS, who was stopped in traffic.

7. The aforesaid accident was caused by the negligence and/or carelessness and/or recklessness of the Defendants, individually and/or jointly and/or severally and/or in the alternative and is predicated on individual acts and/or respondeat superior.

8. As a result of the aforesaid negligence, Plaintiff, LAMONT DANIELS, suffered severe multiple and permanent injuries, and was forced to incur medical bills and expenses for the injuries he has suffered and he will continue to incur medical expenses in the future.

9. As a result of the aforesaid negligence, Plaintiff, LAMONT DANIELS, has suffered, or may suffer, a severe loss of his earnings and impairment of his earnings capacity. This loss of income and impairment of earning capacity will, or may continued in the future.

10. As a result of the aforesaid negligence, Plaintiff, LAMONT DANIELS, has undergone, and in the future may undergo, great mental and physical pain and suffering, mental anguish and humiliation, loss of life's pleasures, and a severe limitation in his pursuit of daily activities, all to his great loss and detriment, some or all of which shall be permanent.

11. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff, LAMONT DANIELS, respectfully requests this Honorable Court to enter judgment against the Defendant(s) individually and/or jointly and/or severally and/or in the alternative, for damages, interest, costs and such other legal and equitable relief as may seem just and proper to the Court.

COUNT TWO - NEGLIGENCE

12. Plaintiff, LAMONT DANIELS, hereby incorporates by reference Paragraphs 1 through 11, as though same were fully set forth at length herein.

13. On or about January 11, 2007, Plaintiff, LAMONT DANIELS, was the operator of a motor vehicle traveling on Westbound Route 70, Cherry Hill, New Jersey and was stopped in traffic.

14. On the aforesaid time and place, Defendant, ANTOINETT IATAROLA and/or JOHN/JANE DOE 1 was the operator of a motor vehicle owned by Defendant, TONI CAPONE, and/or JOHN/JANE DOE 2 and/or DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE, which vehicle was also traveling on Route 70 Westbound, Cherry Hill, New Jersey.

15. On the aforesaid time and place, Defendant, ANTOINETT IATAROLA operated her motor vehicle in excessive rate of speed without due care and caution, without making proper observations and in an otherwise negligent and careless manner so as to strike the rear of the vehicle being operated by the Plaintiff, LAMONT DANIELS, which was stopped in traffic.

16. On the aforesaid time and place, Defendant, ANTOINETT IATAROLA, was operating a motor vehicle as the agent and/or servant and/or employee of Defendant, TONI CAPONE, and/or DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE and/or THE UNITED STATES OF AMERICA and/or JOHN/JANE DOE(S) (3-20), a fictitious name for presently unknown or unidentified individual(s) and/or entity(ies), and, as such her acts of negligence are imputed to Defendant, TONI CAPONE and/or DEPARTMENT OF THE

TREASURY INTERNAL REVENUE SERVICE and/or UNITED STATES OF AMERICA
and/or JOHN/JANE DOE(S) (3-20).

17. As result of the aforesaid negligence of Defendant(s), Plaintiff, LAMONT DANIELS, suffered severe multiple permanent injuries, and great mental and physical pain and suffering, mental anguish and humiliation, loss of life's pleasures, and a severe limitation of his pursuit of daily activities, all to his great loss and detriment, all of which will, or may, continue in the future.

WHEREFORE, Plaintiff, LAMONT DANIELS, respectfully requests this Honorable Court to enter judgment against the Defendant(s) individually and/or jointly and/or severally and/or in the alternative, for damages, interest, costs and such other legal and equitable relief as may seem just and proper to the Court.

COUNT THREE - PROPERTY DAMAGE

18. Plaintiff, LAMONT DANIELS, hereby incorporates by reference Paragraphs 1 through 17, as though same were fully set forth at length herein.

19. At all times material to this Complaint, Plaintiff, LAMONT DANIELS, was the owner of the automobile involved in the aforementioned accident.

20. As a direct and proximate result of Defendants' joint and/or several conduct, Plaintiff, LAMONT DANIELS, sustained property damage to the automobile.

WHEREFORE, Plaintiff, LAMONT DANIELS, respectfully requests this Honorable Court to enter judgment against the Defendant(s) individually and/or jointly and/or severally and/or in the alternative, for damages, interest, costs and such other legal and equitable relief as

may seem just and proper to the Court.

Respectfully submitted:

TAYLOR, TAYLOR & LEONETTI, P.C.
Attorneys for Plaintiff

By: 

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Dated: August 14, 2008